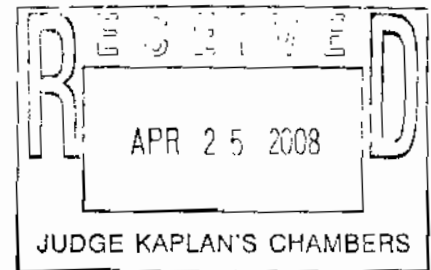




UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE
Report on Offender Under Supervision



Offender: James Skagerberg

Docket Number 07CR 463-02(LAK)

Sentencing Judicial Officer: Honorable Lewis A. Kaplan, United States District Judge

Date of Original Sentence: October 30, 2007

Original Offense: Conspiracy to Distribute and Possess with Intent to Distribute Cocaine
21 U.S.C. 846

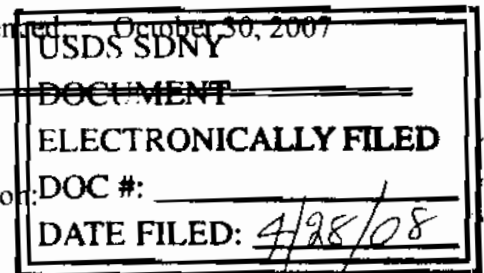
Original Sentence: Three (3) Years Probation

Type of Supervision: Probation

Date Supervision Commenced: October 30, 2007

NON-COMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:



Nature of Non-Compliance

1. On or before March 27, 2008, the probationer tested positive for a controlled substance(s), to wit Opiates.

(Mandated Condition - Mandatory Revocation, Grade C Violation)

On or before March 20, 2008, and February 29, 2008, the probationer tested positive for a controlled substance(s), to wit Amphetamine.

(Mandated Condition - Mandatory Revocation, Grade C Violation)

On or before January 30, 2008, February 29, 2008 and March 20, 2008, the probationer tested positive for a controlled substance(s), to wit Cocaine.

(Mandated Condition - Mandatory Revocation, Grade C Violation)

Title 18 U.S.C. 3565 (b) and 3583(g) have been amended by way of Public Law 107-273, Section 2103. Effective November 2, 2002, testing positive for illegal substances more than 3 times over the course of one year requires mandatory revocation of the supervision term. The amendment leaves undisturbed the provisions of 18 U.S.C. §§ 3563(e) and 3583(d) that allow the Court to consider "whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs, warrants an exception in accordance with United States Sentencing Commission guidelines." This appears to allow the Court to consider treatment in lieu of revocation after the fourth positive drug test.

U.S. PROBATION OFFICER ACTION

On January 3, 2008, Mr. Skagerberg completed residential drug treatment at Riverside Support Center. To address the drug and mental health conditions imposed by the Court, the probationer resumed outpatient treatment with our contract provider, St. Mark's Institute. Mr. Skagerberg is diagnosed with Bipolar Affective Disorder with narcissistic personality traits. In addition to attending weekly therapy sessions, he is prescribed psychotropic medication.

Officer Rice has repeatedly discussed illegal drug use with Mr. Skagerberg and advised him of the possible consequences of continued abuse. The probationer first tested positive for cocaine on January 30, 2008. He admitted partying with friends and stated "they slipped something in my punch." Following his relapse, the probationer's reporting schedule at St Marks was increased to twice a week. Subsequently, Mr. Skagerberg tested positive for drug use on five more occasions. Due to his chronic relapse pattern, St Marks Institute recommended inpatient residential treatment to address his MICA and medical problems.

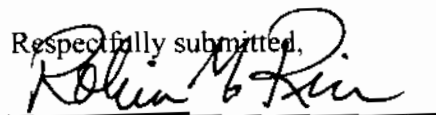
On April 14, 2008, Mr. Skagerberg was referred to Pride Institute Summit Oaks Hospital for inpatient treatment. Pride Institute is an accredited inpatient program devoted to the treatment of gay, lesbian, bisexual, and transgender persons. On April 24, 2008, Mr. Skagerberg was admitted to Pride Institute. Upon completion of the assessment, a treatment plan will be developed. St Marks Institute has agreed to work closely with Pride Institute in developing a long term treatment plan for the probationer.

RECOMMENDATION AND JUSTIFICATION

The undersigned is recommending that no action be taken by the Court at this time. Mr. Skagerberg's willingness to continue mental health and drug treatment is a positive sign of his desire to overcome his problems. If Your Honor agrees with our recommendation, we will continue to monitor the probationer's compliance with the conditions of his supervision.

Respectfully submitted,

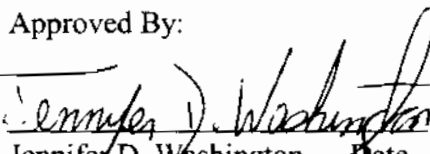
by



Robin M. Rice

U.S. Probation Officer
212-805-5103

Approved By:

 4/24/08
Jennifer D. Washington Date
Supervising U.S. Probation Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE**

Judicial Response

☒ Court approves U.S. Probation Officer's recommendation

or

The Court Orders:

☐ The Issuance of a Summons

The Offender is directed to appear as follows:

Date: _____

Time: _____

Place: _____

☐ The Issuance of a Warrant

☐ Other



Signature of Judicial Officer

4/28/08

Date